

IOWA EMPLOYMENT APPEAL BOARD

FISCAL YEAR 2017 REPORT

Kim Schmett, Chair – Management Representative
Ashley Koopmans, Vice-Chair – Public Representative
James Strohman, Board Member – Labor Representative

The mission of the Employment Appeal Board is to provide a timely, independent, and fair administrative law review of agency decisions regarding unemployment insurance and other employment-related cases. Its decisions are final agency action subject to review by the district courts. The Board is a tripartite, quasi-judicial panel comprised of a representative of employers, employees, and of the public.

The Board's duties are established in Iowa Code section 10A. 601. The Board's jurisdiction was expanded in the general reorganization of state government in 1986. It then became attached to the Department of Inspections and Appeals. As a further result of reorganization, the Board's operation became more self-sufficient and autonomous—providing greater separation and independence from the agencies whose decisions it reviews. Matters which are subject to review by the Board include:

- Unemployment compensation insurance (UI) decisions (chapter 96, Iowa Code)
- Occupational Safety and Health Administration (OSHA) violations (chapter 88, Iowa Code)
- Department of Administrative Services (Human Resources) decisions involving disqualification, restriction, or removal from eligible lists (581 IAC 12.2(4))
- Iowa Public Employees' Retirement System (IPERS) decisions (chapter 97B, Iowa Code)
- Peace Officer and Capitol Security disciplinary actions (Iowa Code section 80.15)
- Labor Commissioner's citations or proposed penalties for violations of construction contractors registration laws (IAC section 91C.8)

BOARD MEMBERSHIP

The members are appointed to six-year terms and serve full time. Kim Schmett was appointed in May, 2014 as the Employer Representative and was elected Chair of the Employment Appeal Board. Ashley Koopmans was appointed in May, 2014 representing Labor with a term ending in December, 2014. She was appointed in December, 2014 as the Public Representative. James Strohman was appointed in December, 2014 as the Labor Representative.

UNEMPLOYMENT INSURANCE APPEALS

Most of the Board's caseload involves the adjudication of the rights and duties of employers and employees under unemployment insurance (UI) laws. Iowa's unemployment insurance, a highly successful federal-state cooperative program, has existed for the past 84 years. Its purpose is to provide economic stability and a safety net for employees who become involuntarily unemployed. Iowa, like other states, has developed its UI program to meet the particular needs of its employers and employees, within the minimum standards of the federal law. The controlling state legislation, Chapter 96 of the Code, and the guiding administrative regulations, Chapter 871 of the Iowa Administrative Code, are adjusted periodically to meet the needs of a changing business and work environment.

In Fiscal Year 2017, the Employment Appeal Board received 1,968 appeals of decisions by administrative law judges on unemployment insurance (UI). The Board considered and decided 1,933 UI cases.

OTHER APPEALS

In Fiscal Year 2017, the Employment Appeal Board:

- Received 37 appeals of OSHA rulings and issued 32 decisions.
- Received six appeals of DAS rulings involving eligibility list questions and issued four decisions.
- Received 15 contractor registration appeals and issued 15 decisions.
- Received 0 Department of Public Safety appeals regarding termination and issued 0 decisions.
- Received 0 appeals of IPERS rulings and issued 0 decisions.
- Received one PMA appeal and issued 0 decisions.

JUDICIAL REVIEW OF UI DECISIONS

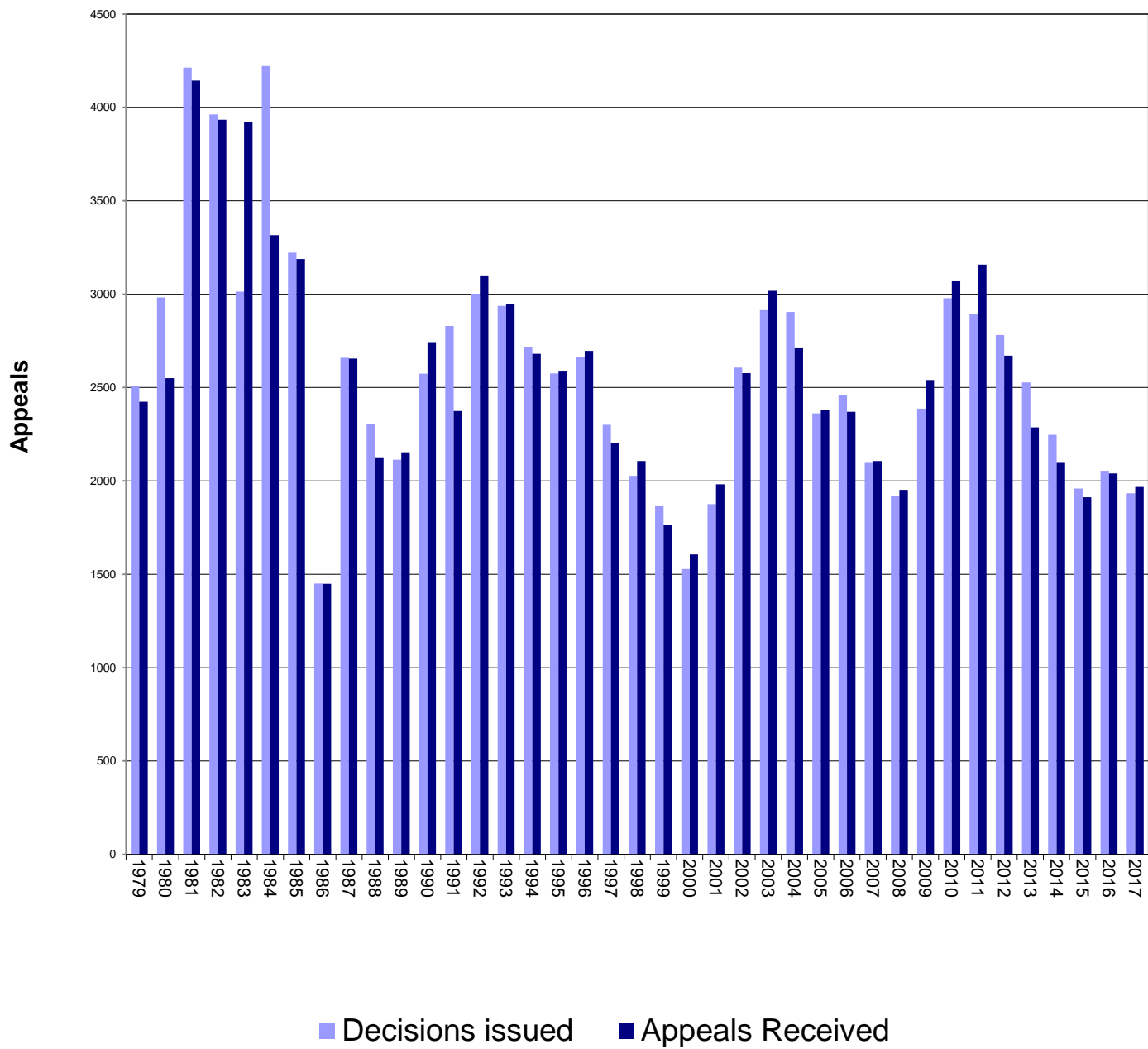
During FY 2017 the Employment Appeal Board issued 1,933 UI decisions. Thirty-seven (37) UIs or approximately 1.9 percent were appealed to Iowa District Court. During Fiscal Year 2017 District Courts ruled on a total of 37 UI appeals. The Board decisions were affirmed in 28 cases (75.7%) and reversed and/or remanded in nine cases (24.3%) of cases.

Five new appeals were filed in Supreme Court. The Iowa Supreme Court (or Court of Appeals) reviewed and affirmed three District Court cases which had affirmed the EAB decisions. Those cases are: Rouse Motors, Paula Paris Chadwick, and Walter Wendland.

JUDICIAL REVIEW OF EAB DECISIONS IN NON UI APPEALS

In Fiscal Year 2017 there were no reviews of EAB decisions in non UI appeals.

Appeal History



HISTORY OF UNEMPLOYMENT INSURANCE APPEALS

| Year | Appeals Received | Decisions Issued |
|---------------|-----------------------------|-----------------------------|
| 1979 | 2,424 | 2,506 |
| 1980 | 2,550 | 2,982 |
| 1981 | 4,144 | 4,214 |
| 1982 | 3,934 | 3,963 |
| 1983 | 3,923 | 3,014 |
| 1984 | 3,316 | 4,222 |
| 1985 | 3,188 | 3,223 |
| JAN-JUNE 1986 | 1,449 | 1,450 |
| FY 1987 | 2,655 | 2,659 |
| FY 1988 | 2,122 | 2,306 |
| FY 1989 | 2,153 | 2,114 |
| FY 1990 | 2,739 | 2,574 |
| FY 1991 | 2,375 | 2,830 |
| FY 1992 | 3,096 | 3,003 |
| FY 1993 | 2,946 | 2,937 |
| FY 1994 | 2,681 | 2,716 |
| FY 1995 | 2,586 | 2,576 |
| FY 1996 | 2,697 | 2,662 |
| FY 1997 | 2,202 | 2,301 |
| FY 1998 | 2,107 | 2,027 |
| FY 1999 | 1,765 | 1,864 |
| FY 2000 | 1,606 | 1,528 |
| FY 2001 | 1,982 | 1,875 |
| FY 2002 | 2,577 | 2,607 |
| FY 2003 | 3,018 | 2,915 |
| FY 2004 | 2,711 | 2,905 |
| FY 2005 | 2,379 | 2,362 |
| FY 2006 | 2,281 | 2,401 |
| FY 2007 | 2,107 | 2,096 |
| FY 2008 | 1,952 | 1,918 |
| FY2009 | 2,540 | 2,387 |
| FY2010 | 3,069 | 2,978 |
| FY2011 | 3,158 | 2,894 |
| FY2012 | 2,671 | 2,781 |
| FY2013 | 2,286 | 2,527 |
| FY2014 | 2,096 | 2,247 |
| FY2015 | 1,913 | 1,959 |
| FY2016 | 2,040 | 2,054 |
| FY2017 | 1,968 | 1,933 |